

none of the those areas in question will be part of the Minneapolis-St. Paul, MN-WI, locality pay area.

#### E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

#### Regulatory Flexibility Act

In certify that these regulations will not have a significant impact on a substantial number of small entities because they will apply only to Federal agencies and employees.

#### List of Subjects in 5 CFR Part 531

Government employees, Law enforcement officers, Wages.

Office of Personnel Management,

James B. King,

Director.

Accordingly, OPM is amending part 531 of title 5, Code of Federal Regulations, as follows:

### **PART 531—PAY UNDER THE GENERAL SCHEDULE**

1. The authority citation for part 531 continues to read as follows:

Authority: 5 U.S.C. 5115, 5307, and 5338; sec. 4 of Pub. L. 103-89, 107 Stat. 981; and E.O. 12748, 56 FR 4521, 3 CFR, 1991 Comp., p. 316;

Subpart B also issued under 5 U.S.C. 5303(g), 5333, 5334(a), and 7701(b)(2);

Subpart C also issued under 5 U.S.C. 5304, 5305, and 5553; sections 302 and 404 of FEPCA, Pub. L. 101-509, 104 Stat. 1462 and 1466; and section 3(7) of Pub. L. 102-378, 106 Stat. 1356;

Subpart D also issued under 5 U.S.C. 5335(g) and 7701(b)(2);

Subpart E also issued under 5 U.S.C. 5336; Subpart F also issued under 5 U.S.C. 5304, 5305(b)(1), and 5553; and E.O. 12883, 58 FR 63281, 3 CFR, 1993 Comp., p. 682;

Subpart G also issued under 5 U.S.C. 5304, 5305, and 5553; section 302 of the Federal Employees Pay Comparability Act of 1990 (FEPCA), Pub. L. 101-509, 104 Stat 1462; and E.O. 12786, 56 FR 67453, 3 CFR, 1991 Comp., p. 376.

#### **Subpart F—Locality-Based Comparability Payments**

2. In § 531.603, paragraph (b) is revised to read as follows:

##### **§ 531.603 Locality pay areas.**

\* \* \* \* \*

(b) The following are locality pay areas for the purpose of this subpart:

- (1) Atlanta, GA—consisting of the Atlanta, GA MSA;
- (2) Boston-Worcester-Lawrence, MA-NH-ME-CT—consisting of the Boston-Worcester-Lawrence, MA-NH-ME-CT CMSA;

- (3) Chicago-Gary-Kenosha, IL-IN-WI—consisting of the Chicago-Gary-Kenosha, IL-IN-WI CMSA;

- (4) Cincinnati-Hamilton, OH-KY-IN—consisting of the Cincinnati-Hamilton, OH-KY-IN CMSA;

- (5) Cleveland-Akron, OH—consisting of the Cleveland-Akron, OH CMSA;

- (6) Columbus, OH—consisting of the Columbus, OH MSA;

- (7) Dallas-Fort Worth, TX—consisting of the Dallas-Fort Worth, TX CMSA;

- (8) Dayton-Springfield, OH—consisting of the Dayton-Springfield, OH MSA;

- (9) Denver-Boulder-Greeley, CO—consisting of the Denver-Boulder-Greeley, CO CMSA;

- (10) Detroit-Ann Arbor-Flint, MI—consisting of the Detroit-Ann Arbor-Flint, MI CMSA;

- (11) Houston-Galveston-Brazoria, TX—consisting of the Houston-Galveston-Brazoria, TX CMSA;

- (12) Huntsville, AL—consisting of the Huntsville, AL MSA;

- (13) Indianapolis, IN—consisting of the Indianapolis, IN MSA;

- (14) Kansas City, MO-KS—consisting of the Kansas City, MO-KS MSA;

- (15) Los Angeles-Riverside-Orange County, CA—consisting of the Los Angeles-Riverside-Orange County, CA CMSA, plus Santa Barbara County, CA, and that portion of Edwards Air Force Base, CA, not located within the Los Angeles-Riverside-Orange County, CA CMSA;

- (16) Miami-Fort Lauderdale, FL—consisting of the Miami-Fort Lauderdale, FL CMSA;

- (17) Milwaukee-Racine, WI—consisting of the Milwaukee-Racine, WI CMSA;

- (18) Minneapolis-St. Paul, MN-WI—consisting of the Minneapolis-St. Paul, MN-WI MSA;

- (19) New York-Northern New Jersey-Long Island, NY-NJ-CT-PA—consisting of the New York-Northern New Jersey-Long Island, NY-NJ-CT-PA CMSA;

- (20) Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD—consisting of the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD CMSA;

- (21) Pittsburgh, PA—consisting of the Pittsburgh, PA MSA;

- (22) Portland-Salem, OR-WA—consisting of the Portland-Salem, OR-WA CMSA;

- (23) Richmond-Petersburg, VA—consisting of the Richmond-Petersburg, VA MSA;

- (24) Sacramento-Yolo, CA—consisting of the Sacramento-Yolo, CA CMSA;

- (25) St. Louis, MO-IL—consisting of the St. Louis, MO-IL MSA;

- (26) San Diego, CA—consisting of the San Diego, CA MSA;

- (27) San Francisco-Oakland-San Jose, CA—consisting of the San Francisco-Oakland-San Jose, CA CMSA;

- (28) Seattle-Tacoma-Bremerton, WA—consisting of the Seattle-Tacoma-Bremerton, WA CMSA;

- (29) Washington-Baltimore, DC-MD-VA-WV—consisting of the Washington-Baltimore, DC-MD-VA-WV CMSA, plus St. Mary's County, MD; and

- (30) Rest of U.S.—consisting of those portions of the continental United States not located within another locality pay area.

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## **OFFICE OF GOVERNMENT ETHICS**

### **5 CFR Part 2635**

**RINs 3209-AA04, 3209-AA15**

#### **Further Grace Period Extension for Certain Existing Agency Standards of Conduct**

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Office of Government Ethics is granting one further grandfathering grace period extension of just under three months for certain existing executive agency standards of conduct, dealing with regulatory financial interest prohibitions and prior approval for outside employment and activities, which have been temporarily preserved. This further action (three previous extensions have been granted) is necessary because some agencies still have not been able to issue, with OGE concurrence and co-signature, interim or final supplemental regulations during the prior grace periods. This further extension will help ensure that agencies which in conjunction with OGE are actively working on draft supplementals will have adequate time to issue, if they so desire, successor supplemental regulatory provisions to replace grandfathered financial interest prohibitions and prior approval requirements.

**EFFECTIVE DATE:** August 7, 1996.

**FOR FURTHER INFORMATION CONTACT:** William E. Gressman, Office of Government Ethics; telephone: 202-208-8000, extension 1110; FAX: 202-208-8037.

**SUPPLEMENTARY INFORMATION:** The Office of Government Ethics is granting, under the executive branch standards of ethical conduct, an extension of time until November 1, 1996 for certain

agencies' existing conduct standards dealing with regulatory prohibited financial interests and prior approval for outside employment and activities. When OGE published its ethical conduct standards for executive branch employees in the Federal Register on August 7, 1992 (as now codified at 5 CFR part 2635), it provided that most existing individual agency standards of conduct would be superseded once the executive branchwide standards took effect on February 3, 1993. However, OGE also provided, by means of notes following 5 CFR 2635.403(a) and 2635.803, that any existing agency standards dealing with the two types of restrictions noted above would be preserved for one year, until February 3, 1994, or until the agency concerned issued (with OGE concurrence and co-signature) a supplemental regulation, whichever occurred first. See 57 FR 35006-35067, as corrected at 57 FR 48557, 57 FR 52583 and 60 FR 51667. In February 1994, February 1995 and December 1995, OGE extended that original grace period for a total of some two and a half years, until August 7, 1996 (or until agency issuance of a supplemental regulation), for those executive branch departments and agencies that had not yet been able to issue final or interim final successor rules. See 59 FR 4779-4780 (February 2, 1994), 60 FR 6390-6391 (February 2, 1995) and 60 FR 66857-66858 (December 27, 1995), as well as appendixes A, B and C which were added to part 2635.

Through OGE's liaison efforts, the Office of the Federal Register (OFR) has assigned new chapters, including parts, at the end of title 5 of the Code of Federal Regulations to accommodate agencies' future supplemental standards regulations (on these two and other appropriate subject areas), as well as any supplemental agency regulations under OGE's executive branchwide financial disclosure provisions at 5 CFR part 2634. Almost 60 agencies have had such chapters reserved, including those which have by now already issued, with OGE concurrence and co-signature, interim final or final supplemental ethics regulations. However, some agencies have still not issued their planned supplemental standards regulations in interim or final form.

The Office of Government Ethics has therefore determined to permit a further preservation of existing agency regulatory standards of conduct provisions described above until November 1, 1996 (or until issuance by each agency listed of its supplemental regulation, whichever comes first), for those agencies which are actively

working in conjunction with OGE on draft supplemental standards regulations. The agencies subject to this further grandfathering grace period extension, as provided in the notes (which are hereby being further amended) following 5 CFR 2635.403(a) and 2635.803, are enumerated at new appendix D which OGE is adding to part 2635. The agencies are listed in the order of the assignment of their chapter numbers at the end of 5 CFR. Agencies not listed either have not expressed an interest in issuing supplemental agency ethics regulations, have indicated to OGE that they are no longer interested in a further grace period extension, or have already issued final or interim final supplemental standards. The agencies listed should take advantage of this final further extension to complete the issuance, with OGE concurrence and co-signature, of replacement regulations for grandfathered provisions which otherwise will be superseded this fall at the end of this extension.

The Office of Government Ethics does note that it is not by this rulemaking, which only affects grandfathered provisions, setting a deadline for agencies to submit supplemental ethics regulations. Agencies can, with OGE concurrence and co-signature, issue supplementals at any time. Further, they can, at any time, have new title 5 CFR chapters reserved through OGE and OFR for such purpose if they have not already done so. Moreover, if an agency's prohibited financial interest (and/or prior approval) restrictions are based on specific authority independent of 5 CFR part 2635, they are not superseded by the 5 CFR part 2635 executive branchwide standards. If any related regulatory provisions were located in its old agency standards of conduct, the agency concerned could, after consultation with OGE, retain them in their existing place in the agency's own CFR title and chapter or move the provisions to another appropriate part of its regulations. See 5 CFR 2635.105(c)(3).

#### Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b) and (d), as Deputy Director of the Office of Government Ethics, I find good cause exists for waiving the general notice of proposed rulemaking and 30-day delay in effectiveness as to this further grace period extension. The notice and delayed effective date are being waived because this rulemaking concerns a matter of agency organization, practice and procedure. Furthermore, it is in the public interest that those agencies concerned have adequate time to promulgate successor provisions to their

existing standards of conduct regulations in these two areas without a lapse in necessary regulatory restrictions.

#### Executive Order 12866

In promulgating this grace period extension technical amendment, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This amendment has not been reviewed by the Office of Management and Budget under that Executive order, as it is not deemed "significant" thereunder.

#### Regulatory Flexibility Act

As Deputy Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rulemaking will not have a significant economic impact on a substantial number of small entities because it primarily affects executive branch departments and agencies and their employees.

#### Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rulemaking does not contain information collection requirements that require the approval of the Office of Management and Budget.

#### List of Subjects in 5 CFR Part 2635

Conflict of interests, Government employees.

Approved: August 1st, 1996.

F. Gary Davis,

*Deputy Director, Office of Government Ethics.*

Accordingly, pursuant to its authority under title IV of the Ethics in Government Act and Executive Order 12674/12731, the Office of Government Ethics is amending 5 CFR part 2635 as follows:

#### **PART 2635—[AMENDED]**

1. The authority citation for part 2635 continues to read as follows:

Authority: 5 U.S.C. 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

2. The notes following both §§ 2635.403(a) and 2635.803 are amended by adding a new sentence at the end of each to read as follows:

Note: \* \* \* Provided still further, that for those agencies listed in appendix D to this part, the grace period for any such existing

provisions shall be further extended until November 1, 1996 or until issuance by each individual agency concerned of a supplemental regulation, whichever occurs first.

3. A new appendix D is added at the end of part 2635 to read as follows:

Appendix D to Part 2635—Agencies Entitled to Another Further (Fourth) Grace Period Extension Pursuant to Notes Following §§ 2635.403(a) and 2635.803

1. Department of the Treasury
2. Federal Energy Regulatory Commission
3. Department of the Interior
4. Department of Commerce
5. Department of Justice
6. Federal Communications Commission
7. Securities and Exchange Commission
8. United States Information Agency
9. Occupational Safety and Health Review Commission
10. Department of State
11. Department of Labor
12. National Science Foundation
13. Small Business Administration
14. Department of Transportation
15. National Transportation Safety Board
16. General Services Administration
17. Board of Governors of the Federal Reserve System
18. National Labor Relations Board
19. Peace Corps
20. Consumer Product Safety Commission
21. Executive Office of the President
22. Department of Agriculture
23. Agency for International Development
24. Social Security Administration

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## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 400

#### General Administrative Regulations; Reinsurance Agreement—Standards for Approval

**AGENCY:** Federal Crop Insurance Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby amends its General Administrative Regulations by revising the Disputes clause. The intended effect of this rule is to provide reinsured companies with an informal reconsideration process through an administrative officer of FCIC and the

right to appeal the administrative officer's determination to the Board of Contract Appeals.

**EFFECTIVE DATE:** August 7, 1996.

**FOR FURTHER INFORMATION CONTACT:** Diana Moslak, (202) 720-2832.

#### SUPPLEMENTARY INFORMATION:

Executive Order 12866 and Departmental Regulation 1512-1

This action has been reviewed under United States Department of Agriculture (USDA) procedures established by Executive Order 12866 and Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is March 31, 1999.

This rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

#### Paperwork Reduction Act of 1995

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Unfunded Mandates Reform Act of 1995.

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, FCIC generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FCIC to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments of the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

#### Executive Order 12612

It has been determined under section 6(a) of Executive Order 12612,

Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The policies and procedures contained in this rule will not have a substantial direct effect on states or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

#### Regulatory Flexibility Act Analysis

This regulation will not have a significant impact on a substantial number of small entities. The amount of work required of the insurance companies should not increase because this action only changes the forum which determines the validity of decisions rendered by the agency. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. § 605) and no Regulatory Flexibility Analysis was prepared.

#### Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

#### Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

#### Executive Order 12778

The Office of the General Counsel has determined that these regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778. The provisions of this rule will preempt State and local laws to the extent such state and local laws are inconsistent herewith. The administrative appeal provisions contained in these regulations and the appeal provisions promulgated by the Board of Contract Appeals, 7 CFR part 24, subtitle A, must be exhausted before action for judicial review may be brought.

#### Environmental Evaluation

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

#### National Performance Review

This regulatory action is being taken as part of the National Performance